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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,628	11/12/2003	Tyler Thomas Parham	Tyler 2 US	9272

7590 06/19/2007

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EXAMINER	
LEUNG, JENNIFER	
ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
06/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/712,628	PARHAM, TYLER THOMAS	
	Examiner	Art Unit	
	Jennifer Leung	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/26/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: It does not identify the citizenship of each inventor.

Specification

2. The abstract of the disclosure is objected to because the length exceeds 150 words. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities:

Page 8, line 24: "be" should be -- bet --.

Page 9, line 9: "time" should be -- times --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 2, 4, and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Cannon (US 2003/0119581).

Re claim 2. Cannon discloses a gaming network having a plurality of gaming devices, a method of involving multiple players and their gaming devices in a secondary type game, the method comprising: initiating a primary type game by using a first gaming device (para. 0049); qualifying the first gaming device to participate in a secondary type game (para. 0050); triggering a secondary game indication cycle to run before the secondary type game is initiated (paras. 0050-51), wherein said secondary game indication cycle is capable of running for a predetermined duration (para. 0051); qualifying, during said predetermined duration of said secondary game indication cycle, additional gaming devices to participate in the secondary type game (para. 0051); and upon conclusion of said secondary game indication cycle, initiating the secondary type game (para. 0051); and awarding, to every gaming device qualified to participate in the secondary type game, one or more payout awards (para. 0061).

Re claim 4. Cannon discloses a method for enabling multiple networked gaming devices to participate in a secondary game, the method comprising: providing a first gaming device that qualifies for a secondary game (para. 0050); providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game (paras. 0050-51); qualifying additional gaming devices to participate in the secondary game before expiration of said secondary game indication cycle (para.

0051); and initiating the secondary game and awarding a payout award to all qualified gaming devices including the first gaming device and the additional devices qualified to participate in the secondary game (paras. 0051 and 0061).

Re claim 6. Cannon discloses further comprising qualifying the first gaming device for additional secondary type games (para. 0010) during pendency of the secondary game indication cycle (para. 0059).

Re claim 7. Cannon discloses wherein the secondary game indication cycle expires after a designated duration (para. 0051).

Re claim 8. Cannon discloses wherein the secondary game indication cycle expires after a predetermined number of primary plays after qualification of the first gaming device (para. 0051).

Re claim 9. Cannon discloses wherein the secondary game indication cycle expires after a predetermined number of predetermined primary game outcomes after qualification of the first gaming device (para. 0051).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 1, 3, 5, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of Sharpless (US 2003/0100361).**

Re claim 1. Cannon discloses a method for enabling multiple networked gaming devices to participate in a secondary game (para. 0048), the method comprising: providing a first gaming device for initiating a primary game (para. 0049); qualifying the first gaming device to participate in a secondary game by using a predetermined primary game outcome (para. 0050); qualifying additional gaming devices to participate in the secondary game by using predetermined primary game outcomes, wherein the additional gaming devices are qualified during a designated duration after said first gaming device is qualified or during a predetermined number of primary game plays after qualification of said first gaming device (para. 0051); increasing a payout award of the secondary game by a value (para. 0059); and initiating the secondary game and awarding, to every gaming device qualified to participate in the secondary game, the payout award of the secondary game (para. 0061).

However, Cannon fails to disclose wherein after each additional gaming device is qualified, the method further comprises increasing the secondary payout award. Sharpless discloses such (para. 0053).

Therefore, in view of Sharpless, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned

limitation in order to give players an incentive to continue playing the game so that they can qualify for a bonus round thereby increasing the payout.

Re claims 3 and 5. Cannon discloses a multiplier (para. 0007). However, Cannon fails to disclose wherein after each additional gaming device is qualified, the method further comprises increasing the secondary payout award. Sharpless discloses such (para. 0053).

Therefore, in view of Sharpless, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitation in order to give players an incentive to continue playing the game so that they can qualify for a bonus round thereby increasing the payout.

Re claim 10. A system for allowing multiple networked gaming device system to participate in a secondary game, the system comprising: a first gaming device capable of qualifying for a secondary game (para. 0049); a controller for providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game (para. 0050-51); and one or more additional gaming devices qualified to participate in the secondary game before expiration of said secondary game indication cycle (para. 0051), wherein said controller increases the secondary game payout award (para. 0059), and wherein the controller initiates the secondary game and awards the secondary game payout award to all qualified gaming devices including the

first gaming device and the additional devices qualified to participate in the secondary game (para. 0061).

However, Cannon fails to disclose wherein said controller increases the secondary game payout award for each qualified gaming device. Sharpless discloses such (para. 0053).

Therefore, in view of Sharpless, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitation in order to give players an incentive to continue playing the game so that they can qualify for a bonus round thereby increasing the payout.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gomez discloses linked gaming machines. Luciano discloses a shared progressive gaming system and method. Acres discloses a method and apparatus for implementing in video a secondary game responsive to player interaction with a primary game. Tracy discloses a method of playing a group participation game. Walker discloses a method and apparatus for team play of slot machines. Brandsetter discloses a gaming device having a second separate bonusing event.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Leung whose telephone number is 571-270-1342. The examiner can normally be reached on Mon -Thur, every other Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jennifer Leung
June 14, 2007

Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3714